

United States Patent and Trademark Office
U.S. Department of Commerce
ASSISTANT COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington D.C. 20231
UNITED STATES OF AMERICA

Dr. Sergey Matasov
P.O. Box 322
Riga, LV-1048,
LATVIA
Tel: 00371-7804281
Fax: 00371-7459102
E-mail: matasov@hotmail.com

*Duplicate -
original is sent by mail
on 21.01.03
(total 24 sheets)*

Inventor and applicant of
US Patent Application 09 / 509,377
"Endoscope with disposable
cartridges for the invagination of
endoscopic tube"

Riga, January 21, 2003

In re patent of
Voloshin et al.
Patent No. 6,485,409
Issued: November 26, 2002
For: Propulsion of a probe in the colon using a flexible sleeve

Submission of Prior Art Under 37 CFR 1.501

Hon. Assistant Commissioner,

In compliance with 35 U.S.C. § 301 and 37 CFR 1.501 we draw Your attention on the non-patentability of the patent US 6,485,409. The prior art is the application PCT/LV 98/00006.
In compliance with 35 U.S.C. § 102 (b) applicants were not entitled on the patent US 6,485,409 as more than on year prior to the date of application for patent 09/646,941 there was printed publication WO 99/17655 of application PCT/LV 98/00006.

Claims 4,5,10 of patent US 6,485,409 claim the compact condition of the sleeve (26), which is disposed on the distal end of endoscope. In the application PCT/LV98/00006 the identical condition and position of invaginator (23) is described in the specification on the:

- page 1, lines 12-14, 18-21, 31-35;
- page 3, lines 3-4, 17-19, 27-29;
- page 5, lines 7-9;
- page 7, line 38-40;
- page 9, line 11-13;
- page 10, lines 1-3;

as well as is illustrated on Fig. 1.

The examiner of the application PCT/IL00/00017, later of the application 09/646,941 and simultaneously of the application 09/509,377 was Mr. Leubecker, John P. I kindly ask to draw Your attention on the following facts:

- publication WO 99/17655 was not opposed to the application PCT/IL00/00017,
- publication WO 99/17655 was not opposed to the application 09/646,941,
- filing date of the application 09/509,377 in the USPTO is 28.08.00,
- filing date of the application 09/646,941 in the USPTO is 13.11.00,
- 20.11.02 on the application 09/509,377 was issued final rejection,
- 26.11.02 on the application 09/646,941 was issued patent US 6,485,409.

The issue of patent US 6,485,409 has caused to me the moral and material damage. In this connection I had to ask You to annul claims 4,5,10 of patent US 6,485,409.

In compliance with 37 CFR 1.501 (c)(2) herewith I sent the letter and its enclosures in duplicate.

Encl.:

- copy of the present letter
- translation of publication WO 99/17655 of the application PCT/LV98/00006 (fragments, mentioned in present letter, are marked)
- certificated copy of the USSR inventors certificate №1522466 (priority of 21.08.1978) - the prior art of PCT/LV98/00006
- certificated translation of the USSR inventors certificate №1522466 into English

1 copy 1 sh.
2 copies 15 sh.
2 copies 4 sh.
2 copies 4 sh.

Faithfully Yours,
Sergey Matasov M.D.

